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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,657	08/14/2001	Jon B. Korshus	0632/IG857-US2	3992
32801	7590	05/13/2004	EXAMINER	
DARBY & DARBY P.C. P.O. BOX 5257 NEW YORK, NY 10150-5257			DEVI, SARVAMANGALA J N	
			ART UNIT	PAPER NUMBER
			1645	

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/930,657

08/14/01

Korshus et al.

0632/1G857-US2

EXAMINER

Customer Number 32801

S. Devi

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Commission

1) The communication filed on 02/27/04 is non-responsive to the prior Office Action mailed 06/27/03, because claims 33-35, as amended currently, shift away from the elected invention, and are now directed to an invention that is independent or distinct from the invention originally elected. These elected and examined claims are no more drawn to antigenic subunits derived from *B. burgdorferii* isolates. With the current amendment, the subject matter of claims 33-35 shifts to invention I set forth in the restriction requirement mailed 11/12/02 in the instant case, drawn to a bacterin comprising two non-crossprotective inactivated *B. burgdorferii* isolates, and to invention I that was prosecuted in the prior application, SN 08/722,013.

Since the response appears to be *bona fide*, Applicant is required to submit a proper response within **ONE (1) MONTH or THIRTY (30) DAYS** from the date of this letter or within the time remaining in the response period of the last Office action, whichever is longer within which to supply the omission or correction in order to avoid abandonment. NO EXTENSION OF THIS TIME LIMIT MAY BE GRANTED UNDER EITHER 37 C.F.R. 1.136(a) or (b), but the period for response set in the last Office action may be extended up to a maximum of SIX MONTHS.

2) Any inquiry concerning this communication or earlier communications from the Examiner should be directed to S. Devi, Ph.D., whose telephone number is (571) 272-0854. The Examiner can normally be reached on Monday-Friday from 7:15 a.m. to 4:15 p.m. (Eastern Time).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Lynette Smith, can be reached at (571) 272-0864.

May, 2005

  
S. DEVI, PH.D.  
PRIMARY EXAMINER